

**CITY OF CHAMBLEE, GA**  
**MINUTES OF CITY COUNCIL WORK SESSION**  
**April 15, 2010 – 6:00 p.m.**

Mayor Eric Clarkson called the meeting to order at 6:00 p.m.

Councilmembers present were: Mr. Tom Hogan, Mrs. Leslie Robson, Mr. Scott Taylor, Mr. Mark Wedge, and Mr. Dan Zanger.

Staff members present were: Mr. Jim Gleason, City Manager; Mr. Tillman Hannon, Public Works Director; Mr. Joel Holmes, Recreation Director; Mr. Marc Johnson, Police Chief; Mr. Dan Schultz, Development Director and Ms. Nancy Williams, City Clerk.

**PUBLIC HEARING:**

Mayor Clarkson read the rules for conducting public hearings.

**1. Variance Request – Eco-Lofts Development, 3400 Malone Drive**

Mayor Clarkson called the public hearing to order and explained that Mr. Larry Davis had requested two variances allowing residential use to be greater than 80% of development at 3400 Malone Drive and residential use on the first floor of a multi-family development.

Mr. Dan Schultz, Development Director, and Ms. Kari Stevens from Pond & Company presented the staff reports, and recommended denial of the variance requests. Ms. Stevens read a variance review report prepared by Ms. Michelle Alexander from Pond & Company. She explained 3400 Malone Drive is located in the Village Commercial (VC) District. The EcoLofts development is a 4-story building designed for non-residential uses on the first floor and residential use on the upper floors. The variance request would apply to all suites on the first floor of the building.

Mayor Clarkson asked to hear from those who wished to speak in favor of the variance request to allow residential units on the first floor of the Eco-Lofts Development. Mr. Craig Viergever, 1051 Summerset Drive, and Mr. Chance Lewis 4935 Peachtree Road, Atlanta spoke in favor of the variance. Mr. Lewis said he intended to operate a fitness center and also live in a space on the first floor of 3400 Malone Drive.

The Mayor asked to hear from those who wished to speak in opposition to the variance request. Ms. Angel Stewart, 3400 Malone Drive, said she purchased her loft with the understanding that commercial businesses would be located on the first floor. She believed the majority of the residents at 3400 Malone Drive would also object to this variance. Ms. Jessie Malato, 3400 Malone Drive also objected to the variance. She asked what percentage of the first floor would be designated as residential if approved. Mr. Ken Udea, 3400 Malone Drive, spoke in opposition to the variance request. He said

he bought his loft two years ago and he was concerned that his property value would decrease if the variance was approved. He asked for a time schedule for construction.

Mr. Viegever said if approved, Mr. Lewis' loft would have 951 square feet commercial space and 800 square feet residential space. He said commercial space is not usually built until the property was sold and he expected construction could be complete in about four months.

Mayor Clarkson asked for the staff's report on the second variance request. Ms. Stevens read a variance review report prepared by Ms. Michelle Alexander from Pond & Company. She said Article IV, Section 407.A required 20% - 80% of the development to be residential use. Staff recommended denial of the variance because the intent of the ordinance would not be met and because there were no extraordinary and exceptional conditions pertaining to the property.

Mayor Clarkson asked to hear from those who wished to speak in favor of the variance. Mr. Viegever asked the Council to approve the variance. Hearing no one else speak in favor of the variance, Mayor Clarkson asked to hear from those who wished to speak in opposition to the variance. Hearing no opposition, the Mayor closed the public comments portion of the hearing and opened the floor for City Council questions and discussion.

Ms. Robson, Mr. Hogan, Mr. Zanger, and Mr. Taylor asked questions of the applicant concerning the visibility of the residential space from the street and discussed what would happen to the space if the business failed. After discussion, Ms. Robson made a motion to end the public hearing. Mr. Wedge seconded the motion. The motion passed unanimously.

#### **WORK SESSION:**

Mayor Clarkson called the work session to order.

#### **Presentation & Announcements**

**1) Eagle Scout Project** – Ted Dickerson, a 14-year old boy scout, presented a proposal to the City to request permission and assistance from the city to build a trail and boardwalk to make Keswick Park accessible from the Elaine Clark Center. He wanted to use this project to earn an Eagle Scout Badge. He said he and his boy scout troop would build the trail and provide building materials to build a boardwalk. He asked the City to construct the boardwalk. The Council members asked several questions about the project. It could not be determined who actually owned all of the property connecting Keswick Park and the Elaine Clark Center. If the property does not belong to the City, they City Council could not grant permission to build the boardwalk. A survey would be needed. Action will be taken on this item at the April 20<sup>th</sup> meeting.

## **Staff Action Items**

**City Clerk:** Approval of Minutes – March 11, 2010 – Public Hearing and Work Session  
Approval of Minutes – March 16, 2010 – Regular Council Meeting

Mr. Zanger requested a correction to the minutes of March 16, 2010. The minutes will be submitted for adoption on April 20, 2010.

### **City Manager:**

**1) Personnel Policy Change - (Breaks-Lunch Definition)** - The City Manager recommended an amendment to the Personnel Policy which would allow employees to the option to take their 15-minute breaks immediately before and/or following their 30 minute lunch period. This item will be placed on the agenda for consideration at the meeting on April 20, 2010.

**2) Annexation - General Discussion** – The City Manager said between now and the end of the year, he would be providing progress reports concerning staff’s preparations for the annexation that could be approved during the November election.

### **Development Director:**

**1) Clairmont Corridor Discussion** – City Council previously requested staff to research former studies and issues concerning the Clairmont Corridor area of the City to see if there were issues that were affecting the development and growth of the area. Mr. Shultz presented a written report which included copies of documents from the 2004 area study. After some discussion, Council decided that no further action was needed. This item will not move forward to the April 20<sup>th</sup> agenda.

**2) Application for the Atlanta Regional Commission's Green Community Program** - Mr. Shultz recommended the City Council adopt policies to receive points for the Green Community Certification Program. This item will move forward for action at the April 20<sup>th</sup> meeting.

**3) Model Ordinance - Soil Erosion-Settlement Control** – Mr. Shultz recommended adoption of the new model Erosion and Sediment Control Ordinance suggested by the Georgia Department of Natural Resources and the Georgia Soil and Water Conservation Commission. The city must adopt the ordinance by July 1, 2010 to maintain status as a Local Issuing Authority. This item will move forward to for action at the April 20<sup>th</sup> meeting.

**4) Comprehensive Plan - Short Term Work Program** – Mr. Shultz said a portion of the City's Comprehensive Plan, the Short Term Work Program, must be updated and approved by October 2010. He gave a brief report and will present recommendations at the meeting in May 2010.

**Chief of Police:**

**1) E-911-Dunwoody** – Chief Johnson explained that the City of Dunwoody had requested the City of Chamblee to consider an agreement to allow the City of Dunwoody to provide E-911 service for the City of Chamblee. Police Chief Johnson presented a brief history of the City's 911 operations to the Council. Mr. Warren Hutmacher, City Manager for the City of Dunwoody, addressed the Council and requested their consideration of Dunwoody's proposal. This item will move forward to the agenda for action on April 20, 2010.

**2) Confiscated Funds – A) Create Additional Special Revenue Fund for State Confiscated Funds & B) Confiscated Funds Budget Amendment** - Chief Johnson said State and Federal confiscated funds must be tracked separately. He recommended the City Council approve a second special revenue fund for confiscated funds. He also recommended the Council approve a budget amendment to reflect \$21,746 of revenue that was received in February of this year from a 2007 gambling raid, during which contraband and cash was seized. These items will move forward for action at the April 20, 2010 meeting.

**Finance Director**

- 1) 2009 Year End Report-Rev vs. Exp (unaudited)
- 2) 2010 First Quarter Report- Rev vs. Exp Jan-March
- 3) TAN

The City Manager explained that the Finance Director had been out of the office and was not able to prepare these reports. The reports will be presented at the meeting in May.

**City Attorney**

**1) Personnel Ordinance Amendment – Gay/Lesbian Nondiscrimination.** Last year, the Mayor and Council instructed staff to prepare an amendment to the Personnel Ordinance. The City Attorney will present the first reading of the ordinance at the April 20, 2010 meeting.

**Mayor Eric Clarkson:**

**1) Service Delivery Strategy** - Mayor Clarkson reported that the County had agreed to everything the Dekalb cities were asking for in the Service Delivery Strategy. He said legislation had been introduced and he expected it would be approved and in effect by 2011. He said the agreement would give the cities the option of opting in or opting out of services provided by Dekalb County. This would reduce taxes for residents because they would not have to pay for duplicated services.

**Public Comments:**

Mr. Hogan announced that a popular downtown business, Get Coffee, had decided to close its business. He thanked the owner, Ms. Chapman, for her efforts.

Mayor Clarkson called the meeting adjourned by consent at 9:14 p.m.

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Nancy Williams, City Clerk

Attest: \_\_\_\_\_  
Eric Clarkson, Mayor